

CITY OF SAN JOSÉ, CALIFORNIA  
Department of Planning, Building and Code Enforcement  
801 North First Street, Room 400  
San José, California 95110-1795

## STAFF REPORT

Hearing Date/Agenda Number  
P.C. 4/24/02 item # 3.g.

File Number  
PDC 00-08-084

Application Type  
Planned Development Rezoning

Council District  
5

Planning Area  
Alum Rock

Assessor's Parcel Number(s)  
484-02-012 and 013

### PROJECT DESCRIPTION

Completed by: Susan Walsh

Location: South side of Madden Avenue, approximately 290 feet easterly of Jackson Avenue (2334 and 2342 Madden Avenue)

Gross Acreage: 0.34

Net Acreage: 0.33

Net Density: 14.52 DU/AC

Existing Zoning: R-1-8 Residence

Existing Use: 2 single family detached residences

Proposed Zoning: A (PD) Planned Development

Proposed Use: 5 single-family detached courthome residential units

### GENERAL PLAN

Completed by: Susan Walsh

Land Use/Transportation Diagram Designation  
High Density Residential (25-50 DU/AC)

Project Conformance:  
☒ Yes ☐ No  
☒ See Analysis and Recommendations

### SURROUNDING LAND USES AND ZONING

Completed by: Susan Walsh

North: Office and multiple family attached residential

A(PD) Planned Development

East: Single-family detached residential

R-1-8 Residence

South: Multiple family attached residential

RM Residence

West: Single-family detached residential

R-1-8 Residence

### ENVIRONMENTAL STATUS

Completed by: SW

☐ Environmental Impact Report found complete  
☒ Negative Declaration circulated on March 11, 2002

☐ Exempt  
☐ Environmental Review Incomplete

### FILE HISTORY

Completed by: SW

Annexation Title: Alum Rock No. 5

Date: September 17, 1971

### PLANNING DEPARTMENT RECOMMENDATIONS AND ACTION

☒ Approval  
☐ Approval with Conditions

Date:

Approved by: \_\_\_\_\_  
☐ Action  
☒ Recommendation

### APPLICANT/OWNER/DEVELOPER

Fernando Po and Thao Pham  
345 Neilson Ct.  
San Jose, CA 95111

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**PUBLIC AGENCY COMMENTS RECEIVED**

Completed by: Susan Walsh

**Department of Public Works**

Please see attached memorandum.

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**Other Departments and Agencies**

Please see attached memoranda from Fire and Police departments.

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**GENERAL CORRESPONDENCE**

None received.

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**ANALYSIS AND RECOMMENDATIONS**

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**BACKGROUND**

The applicants Fernando Po and Thao Pham, are requesting a Planned Development Rezoning from R-1-8 Residence to A (PD) Planned Development to allow five single-family courthome residential units on 0.34 gross acres. A Planned Development Rezoning is required because the project's proposed minimum setbacks and minimum lot sizes do not meet the requirements of a conventional Residence Zoning District.

The rectangular site, comprised of two lots, has approximately 100 linear feet of frontage on Madden Avenue. The subject site is currently occupied by 2 older, single-family detached residential units. Surrounding land uses consist of single-family detached residences to the east and west and a mix of single-family detached and multiple-family attached units to the north and south.

**Project Description**

The proposed zoning would allow five single-family courthome residential units on the subject site. The courthomes would be configured in a five-unit cluster surrounding a common driveway and courtyard that provides pedestrian and vehicular access to Madden Avenue

**GENERAL PLAN CONFORMANCE**

The subject site is designated High Density Residential 25-50 (DU/AC) on the General Plan Land Use/Transportation Diagram. The proposed project has a net density of 14.5 DU/AC. The project is in conformance with the General Plan Land Use/Transportation Diagram by use of the Discretionary Alternate Use Policy which allows projects at the next lower density range as long as they are compatible with the existing and planned uses in the neighborhood and meet or exceed the residential design guideline standards. The single-family development adjacent to the proposed project is in good condition and appears viable to remain and not redevelop in the immediate future. Therefore, a density of 14.5 DU/AC is more consistent with the existing single-family density on this side of Madden Avenue and the proposed project has been determined to meet or exceed the Design Guidelines (see discussion below).

## **ENVIRONMENTAL REVIEW**

An Initial Study was prepared for this project and a Draft Negative Declaration was circulated for public review by the Director of Planning on March 11, 2002. The key issues addressed in the environmental review were potential biotic and historic impacts. The existing ordinance-sized trees proposed for removal will be replaced with 24 inch box trees at a ratio of 4:1 (four replacement trees for each tree removed). A Historic Report was prepared for the 2 residences proposed for demolition since they are over 50 years old. The report concludes that they are not historically significant.

## **ANALYSIS**

The primary issues associated with this project include: 1) conformance with the Residential Design Guidelines and 2) compatibility with the neighborhood.

### **Conformance with the Residential Design Guidelines**

The Residential Design Guidelines present a number of recommendations for the design of courthomes. The proposed project fully conforms with these guidelines as described in detail below.

#### Site Design/Architecture

The proposed project meets all of the design guidelines for courthome developments in that the project incorporates the following items. The two front units face on to the street with covered porches, and the courtyard area is designed as an attractive single space with landscaping, decorative paving, and the three rear unit front doors facing the courtyard. The courtyard is less than 100 feet (98 feet) in length, and will be bordered by sidewalks, and be decoratively paved and adequately landscaped. In addition, schematic elevations show that each of the units would have a common architectural theme, and a close-knit relationship which should give the impression of an attached unit product even though the units are detached.

The project does not fully meet the Guidelines requirement to discourage visibility of garages from the street since the Unit E garage will be visible from the street. Due to the width of the lot, the only way to eliminate the visual prominence of the garage would be to eliminate the unit. Instead, staff has recommended that a custom garage design be used for Unit E, that the garage door be recessed and that a landscaped overhead trellis be provided to reduce the visual prominence of the garage from the street. The garage doors on the other four units are not directly visible from the street, so the project responds adequately to this guideline.

#### Setbacks, Open Space and Parking

The project is consistent with the Residential Design Guidelines setback requirements relative to neighboring development in that the proposed units have a 15-foot front setback from the street (matching the average setback of the residences on the project side of the street), a 6-foot side setback, and an average 10-foot rear setback (adjacent to the side yard of the apartment residential project to the south). The setbacks within the project also meet the Guidelines in that buildings are a maximum of 8 feet apart.

The project also meets the Guidelines' requirements for private open space in that each unit is provided the minimum 400 square feet of private open space, with a minimum dimension of 15 feet. A homeowner's association would be established to maintain the common landscaped areas. Units would be designed with a minimal number of windows on elevations overlooking private outdoor areas.

The proposed amount of parking meets the Guidelines' requirements in that each unit is provided with two covered parking spaces and that the entire project would incorporate four open guest spaces on site, and four on-street parking spaces.

### **Compatibility with the Neighborhood**

The proposed single-family detached courthome residential units would be compatible with the existing neighborhood and would provide a good transition between the mixed single and multiple family residential projects in the neighborhood. Landscaping setbacks proposed along the property line shared by the existing single family residences and the apartment complex would provide a buffer to protect the privacy of adjacent uses. The project's building setback line on Madden Avenue is consistent with the average front-yard setbacks of the single-family detached residences on the block.

### **PUBLIC OUTREACH**

A public hearing notice was published and mailed to the owners and residents within 500 feet of the subject site and staff has been available to respond to any questions regarding the project.

### **RECOMMENDATION**

Planning staff recommends approval of the proposed Planned Development Rezoning for the following reasons:

1. The proposed project conforms to the site's General Plan Land Use/Transportation Diagram designation of High Density Residential (25-40 DU/AC) by use of the Discretionary Alternate Use Policy which allows development at the next lower density range if the project is compatible with the character of the neighborhood and the Design Guidelines are met or exceeded. This project will be compatible with the proximate single-family residential uses on Madden Avenue, and the project design meets the Design Guidelines.
2. The proposed project conforms to the *Residential Design Guidelines*.
3. The proposed project will be compatible with existing development in the neighborhood.

### **Attachments**

cc: Andy Do, New Dimension, 115 N. 4th St, San Jose, CA, 95112